

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

WILLIAM CHERNE,
Plaintiff

v.

JET EXPRESS, INC., TMB TRUCKING, L.L.C.,
and CRAIG W. WHEELER,
Defendants

)
) **Judge Wayne Andersen**
)
) **Magistrate Judge**
) **Nan Nolan**
)
)
) **08 CV 2987**
)
)

INITIAL STATUS REPORT OF DEFENDANTS

NOW COME the Defendants Jet Express, Inc., TMB Trucking, L.L.C., and Craig Wheeler, and for their Initial Status Report filed in compliance with the order of Judge Nan Nolan, state as follows:

1. This personal injury/diversity action was commenced in the Cook County Circuit Court, Cook County, Illinois on May 9, 2008. Defendants removed this matter to the United States District Court for the Northern District of Illinois on May 22, 2008. Defendants filed their Answer to Plaintiff's Complaint on May 29, 2008.
2. Plaintiff's Complaint arises out of a collision between two tractor-trailers on July 31, 2006 in Kankakee County, Illinois. The Complaint alleges said accident arose out of the negligence of the Defendants. Plaintiff William Cherne claims he sustained injuries including a torn left rotator cuff in the collision. Plaintiff further claims his injuries have caused him to incur medical expenses and lost wages. During mediation proceedings that took place in the spring of 2008 prior to the filing of Plaintiff's Complaint, his attorneys issued a demand of \$700,000. Defendant's insurer made an offer of \$100,000. Due to the disparity between the demand and the offer, settlement negotiations terminated and litigation has commenced.
3. No discovery has been completed. Defendants propounded discovery on June 9, 2008. Plaintiff issued discovery on June 12, 2008. Attorneys for the Defendants anticipate the following persons will be deposed: both drivers, one witness to the accident, two to four of the Plaintiff's physicians and one or two other persons. Defendants propose a discovery cut off date of April 1, 2009.
4. A jury trial has been demanded by Defendants. Any trial in this matter should not take place before June 1, 2009.

5. It is believed that this matter has been referred to Judge Nolan for discovery purposes. Defendants do not consent to trial before a magistrate judge.

S/Michael J. Mullen
Michael J. Mullen

Kralovec & Marquard
55 West Monroe
Suite 1000
Chicago, Illinois 60603
312-346-6027

CERTIFICATE OF SERVICE

I, Michael J. Mullen, an attorney, hereby certify that I have caused a true and correct copy of the above and foregoing Initial Status Report of Defendants, to be sent via electronic filing delivery this 7th day of July, 2008 to:

Mr. Patrick E. Dwyer
Dwyer, McCarthy & Associates, Ltd.
39 South LaSalle Street
Suite 610
Chicago, Illinois 60603

S/Michael J. Mullen
Michael J. Mullen